

AN ORDINANCE TO AMEND, CHAPTER 21, ARTICLE III OF THE CODE OF
ORDINANCES SO AS TO PROHIBIT THE USE OF OFF-HIGHWAY MOTOR
VEHICLES ON HIGHWAY

WHEREAS, The State of Tennessee currently has in effect Tennessee Code Annotated 55-8-185, which prohibits the use of off-highway motor vehicles on highways within the State of Tennessee; and

WHEREAS, Tennessee Code Annotated 16-18-302 (a)(1-2) recognizes and authorizes a municipal court to possess jurisdiction to enforce any municipal law or ordinance that mirrors, substantially duplicates or incorporates by cross-reference the language of a state criminal statute, if and only if the state criminal statute mirrored, duplicated or cross-referenced is a Class C misdemeanor and the maximum penalty prescribed by municipal law or ordinance is a civil fine not in excess of fifty dollars (\$50.00); and

WHEREAS, Tennessee Code Annotated 55-8-185 (d) provides that violation of the Tennessee Code Annotated 55-8-185 is a Class C misdemeanor, punishable by fine only; and

WHEREAS, the City Council of the City of Memphis intends to exercise its authority to enact new traffic ordinances.

SECTION 1. NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Chapter 21, Article III is hereby amended to create a new section 21-134.1 to read as follows:

Sec. 21-134.1. **Use of off-highway motor vehicles on highways.**

(a) Off-highway motor vehicles such as motorcycle dirt bike, dune buggy or similar all terrain vehicles may be operated or driven upon a highway but only as follows:

(1) On a two-lane highway, only to cross such highway at an angle of approximately ninety degrees (90 degrees) to the direction of the roadway and at a place where a quick and safe crossing may be made;

(2) With respect to the crossing of a highway having more than two (2) lanes, or a highway having limited access, such off-highway motor vehicles may cross such highways, but only at a place designated by the department of transportation or local government authorities with respect to highways under their respective jurisdictions as a place where such motor vehicles, or specified types of such motor vehicles, may cross the highways, and such vehicles shall cross such highways only at such designated places and only in a quick and safe manner; and

(3) The City of Memphis with respect to highways under its respective jurisdiction may designate, by the erection of appropriate signs of a type approved by the appropriate division, places where such motor vehicles, or specified types of such motor vehicles, may cross any highway having more than two (2) lanes or having limited access.

(b) Such vehicles may be moved, by non-mechanical means only, adjacent to a roadway, in such a manner so as to not interfere with traffic upon the highway, only for the purpose of gaining access to, or returning from, areas designed for the operation of off-highway vehicles, when no other route is available. The City of Memphis may designate access routes leading to off-highway parks as suitable for the operation of off-highway vehicles, if such access routes are available to the general public only for pedestrian and off-highway motor vehicle travel.

(c) (1) Notwithstanding any law to the contrary, three- or four-wheel all-terrain vehicles may not be operated on City of Memphis highways or streets.

(d) A violation of this section is a Class C misdemeanor, subject to a 50.00 fine.

SECTION 2. BE IT FURTHER ORDAINED, that the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

SECTION 3. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that this Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of Mayor in writing by the comptroller and become effective as otherwise provided by law.

Myron Lowery
Council Chairman

Attest:
Patrice Thomas, Comptroller

SUMMARY SHEET

I. DESCRIPTION OF ITEM

Adoption of this ordinance will amend Chapter 21, Article III of the City of Memphis Code of Ordinances to create Section. 21-134.6, establishing a penalty for authorizing an unlicensed driver to operate a vehicle. This ordinance will make the owner or a passenger in the vehicle, liable when they permit an unlicensed driver to operate a vehicle upon a highway in any manner contrary to law. Such violation is a Class C misdemeanor, subject to a 50.00 fine. Once approved, the final version will be provided to the publisher for the purpose of amending the Code.

II. SOURCE AND AMOUNT OF FUNDING

Not applicable.

III. CONTRACT ITEMS

Not applicable.

IV. ADDITIONAL INFORMATION RELEVANT TO APPROVAL OF THIS ITEM

This proposed ordinance is an adoption of Tennessee Code Annotated 55-10-202. Tennessee Code Annotated 16-18-302 (a)(1-2) recognizes and authorizes a municipal court to possess jurisdiction to enforce any municipal law or ordinance that mirrors, substantially duplicates or incorporates by cross-reference the language of a state criminal statute, if and only if the state criminal statute mirrored, duplicated or cross-referenced is a Class C misdemeanor and the maximum penalty prescribed by municipal law or ordinance is a civil fine not in excess of fifty dollars (\$50.00).